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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The amendments filed on July 1, 2008 and October 24, 2008 have been entered.

Drawings

2. The drawings were received on July 1, 2008. These drawings are acceptable-in-part as follows:

The replacement drawing for Figures 1 and 2 is acceptable.

The replacement drawing for Figures 3 and 4 is NOT acceptable because in Figure 4, the addition of the spring structure (indicated by numeral 45), particularly the specific configuration of the spring, does not appear to have support in the original disclosure.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the restoring spring set forth in claim 1 (lines 8-9) and claim 11 (line 11) along with its surrounding structure as set forth in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

Abstract

4. The abstract of the disclosure is objected to because of the following informalities:

In the last line, the recitation “for the novel base plate” is improper and it is suggested to change it to --with the base plate--.

Correction is required. See MPEP § 608.01(b).

Specification

5. The disclosure is objected to because of the following informalities:

In the replacement paragraph for the paragraph bridging pages 5-6 of the specification and found on pages 5-6 of the amendment filed on October 24, 2008:

line 22, the changing of “29” to “31” is inaccurate and should be changed back to --29--; in line 23, “29” remains inaccurate and should be changed to --31--.

Appropriate correction is required.

Claim Objections

6. Claims 1-5 and 7-11 are objected to because of the following informalities:

In claim 1, line 7, “that” is not sufficiently clear as to what it refers.

In claim 11, line 9, “that” is not sufficiently clear as to what it refers.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 2nd paragraph

7. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. Some examples of the vague and indefinite language are described below.

In claim 1, line 6, the recitation "the locking unit" lacks antecedent basis; in line 7, the recitation "secured to said locking unit" renders the claim vague and indefinite since the clamping wedge is part of the locking unit; in lines 7-8, the recitation "the displacement direction" lacks antecedent basis; in line 8, the recitation "the pusher" lacks antecedent basis; in line 11, the recitation "the wedge face" lacks positive antecedent basis.

In claim 4, line 8, the recitation "a pusher" is vague as to whether it refers to that set forth in claim 1 or to another such pusher.

In claim 5, lines 2-3, the recitation "a manually releasable locking unit" is vague as to whether it refers to the locking unit set forth in claim 1 or to another such locking unit.

In claim 8, line 3, the recitation "a switch housing" is vague as to whether it refers to that set forth in claim 1 or to another such switch housing.

In claim 11, line 5, the recitation "by the power scroll saw" renders the claim vague and indefinite since it is not clear how the saw blade, which is part of the scroll saw" can also be driven by the scroll saw; in line 8, the recitation "the locking unit" lacks

antecedent basis; in line 9, the recitation “secured to said locking unit” renders the claim vague and indefinite since the clamping wedge is part of the locking unit; in line 10, the recitation “[noun missing]” is vague and indefinite as to what is being set forth; also in line 10, the recitation “the displacement direction” lacks antecedent basis; also in line 10, the recitation “the pusher” lacks antecedent basis; in line 14, the recitation “the wedge face” lacks positive antecedent basis.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 8 and 10, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by East, pn 344,175.

East discloses a device with every structural limitation of the claimed invention as best understood from the claims including:

a base plate (e.g., B) having a through opening, characterized by an integrated guide device, with guide elements (D, D) protruding into the through opening (e.g., see Fig. 3) for guiding and bracing the saw blade transversely to its sawing direction, wherein the locking unit has an adjusting button (E, E), with a clamping wedge (e.g., the upper portions of D, D) secured to said locking unit, that is displaceable on a switch housing in the displacement direction of the pusher (e.g., C) counter to the force of a

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restoring spring (e.g., see alternative embodiment in line 90) and a retaining block (e.g., G), secured to the pusher (e.g., C), with a run up ramp (e.g., see Fig. 3), extending in the displacement direction of the pusher (e.g., C), for the clamping wedge, wherein said run up ramp cooperates with the wedge face of the clamping wedge for locking the retaining block.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 7 and 9, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over East, pn 344,175.

East discloses a device with almost every structural limitation of the claimed invention but lacks:

[claim 7] wherein the run up ramp is embodied on a clamping piece, which rests in form-locking fashion in a recess in the retaining block;

[claim 9] wherein the restoring spring is braced on the switch housing and on the clamping wedge.

However, the Examiner takes Official notice that such structure having the claimed configuration, as understood, is old and well known in the art and provide various well known benefits such as facilitating efficient and economic operation of the guide device. Therefore, it would have been obvious to one having ordinary skill in the art to provide such structure on the device of East to gain the well known benefits including that described above.

Further, it would have been an obvious matter of design choice to provide such structure having the claimed configuration, as understood, since applicant has not disclosed that having the particular structure, as best understood from the claims, solves any stated problem or is for any particular purpose and it appears that the device would perform equally well with any such known equivalent structure.

Allowable Subject Matter

12. Claims 4 and 5, as understood, appear that they would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claim 11, as understood, appears that it would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
January 5, 2009